

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2 and 15 are requested to be cancelled without prejudice or disclaimer.

Claims 1, 4, 5, 6, 9, 12-14, 16-17, 19 and 21-23 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-14 and 16-24 are now pending in this application.

### **Claim objections**

The claims were objected to for informalities. Applicant has amended the claims to correct the informalities.

### **Rejection under 35 U.S.C. § 112, second paragraph**

Claim 15 was rejected under 35 U.S.C. § 112, second paragraph. Claim 15 has been cancelled with the limitations of claim 15 incorporated into claim 9. Applicant has amended claim 9 to address the issue raised with respect to claim 15.

### **Rejections under 35 U.S.C. §§ 102 and 103**

Claims 1-14 and 17-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,578,014 to Murcko, Jr. ("Murcko"). Claims 15 and 16 stand rejected under 35 U.S.C. § 103 as being unpatentable over Murcko. Applicant respectfully traverses these rejections for at least the reasons below.

Independent claim 1 has been amended to recite that the service purchase request information includes the start date and hours on and during which the service is desired to be received from the particular service provider selected. Support for this amendment can be found at least in original claim 15, and the corresponding text of the specification. Murcko does not suggest that any service purchase request information include the start date and

hours on and during which the service is desired to be received from the particular service provider selected.

With respect to the limitation of the start date and hours on and during which the service is desired to be received from the service provider in original claim 15, the Office Action states: "Murcko does not explicitly teach said service list-selection display including the following entry fields: the start date and hours on and during which the service is desired to be received from the service provider selected from the list." The Office Action then argues that this feature would have been obvious to one of ordinary skill in the art.

Applicant submits, however, that the Office Action has failed to make a prima facie case of obviousness with respect to modifying Murcko to include the start date and hours on and during which the service is desired to be received from the service provider selected from the list in an entry field on a service list-selection display. The Office Action provides no evidence, such as a teaching from a prior art reference, to substantiate the position that one skilled in the art would have modified Murcko to include the start date and hours on and during which the service is desired to be received from the service provider selected in the transaction between the buyer and seller. Thus, the rejection under 35 U.S.C. 103 must fail.

Accordingly, independent claim 1 is patentable over Murcko. The remaining independent claims have all been amended to include corresponding limitations regarding the start date and hours on and during which the service is desired to be received from a service provider, and are likewise patentable over Murcko. The dependent claims depend from respective of the independent claims and are likewise patentable over Murcko.

For at least the above reasons, applicant submits that all the independent claims, and the dependent claims depending respectively therefrom, are patentable over the references cited in the rejections under 35 U.S.C. 103.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 15, 2004

By Thomas G. Bilodeau

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5407

Facsimile: (202) 672-5399

David A. Blumenthal  
Attorney for Applicant  
Registration No. 26,257

Thomas G. Bilodeau  
Attorney for Applicant  
Registration No. 43,438